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Human rights questions: implementation of human rights instruments

Australia, Austria, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lithuania, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain and Sweden: draft resolution

International Covenants on Human Rights

The General Assembly,

Recalling its resolution 52/116 of 12 December 1997 and Commission on Human Rights resolution 1998/9 of 3 April 1998,[1]

Mindful that the International Covenants on Human Rights[2] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General[4] on the status of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,[5]

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible and interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

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[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. B.

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 217 A (III).

[4] A/54/277.

[5] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

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Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by State parties in implementing the obligations undertaken in the two International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

1. *Reaffirms* the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. *Appeals strongly* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of the Covenant;

3. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed;

6. *Encourages* States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise incompatible with international treaty law;

7. *Also encourages* States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, with a view to withdrawing them;

8. *Takes note with appreciation* of the annual report of the Human Rights Committee submitted to the General Assembly at its fifty-fourth session[6] and takes note of general comments Nos. 25[7] and 26[8] adopted by the Committee;

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[6] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 40* (A/54/40).

[7] Ibid., *Fifty-first Session, Supplement No. 40* (A/51/40), vol. I, annex V.

[8] Ibid., *Fifty-third Session, Supplement No. 40* (A/53/40), vol. I, annex VII.

9. *Also takes note with appreciation* of the reports of the Committee on Economic, Social and Cultural Rights on its sixteenth and seventeenth[9] and eighteenth and nineteenth[10] sessions and takes note of general comments Nos. 8,[11] 9,[12] 10,[13] 11[14] and 12[15] adopted by the Committee;

10. *Urges* States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and in their reports to make use of gender-disaggregated data;

11. *Stresses* the importance of fully taking into account a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

12. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the concluding observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;

13. *Invites* States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

14. *Once again encourages* all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

15. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights when considering the reports of States parties to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

16. *Stresses* the need for improved coordination between relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and encourages continued efforts in this direction;

17. *Invites* States parties to continue to contribute, with practical proposals and ideas, to the dialogue on ways of improving the functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

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[9] *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22).

[10] Ibid., *1999, Supplement No. 2* (E/1999/22).

[11] Ibid., *1998, Supplement No. 2* (E/1998/22), annex V.

[12] Ibid., *1999, Supplement No. 2* (E/1999/22), annex IV.

[13] Ibid., *1999, Supplement No. 2* (E/1999/22), annex V.

[14] E/C.12/1999/4. Adopted on 10 May 1999 during the twentieth session.

[15] E/C.12/1999/5. Adopted on 12 May 1999 during the twentieth session.

18. *Welcomes* the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

19. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and by exploring other possibilities available under the regular programme of advisory services in the field of human rights;

20. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

21. *Welcomes* the initiative by the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Office of Communications and Public Information of the Secretariat, to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

22. *Requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.